

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

STEPHEN PATRICK HORNFECK, )

Plaintiff, )

vs. )

2:06-cv-00443-RBP

SHERIFF CHRIS CURRY, et al., )

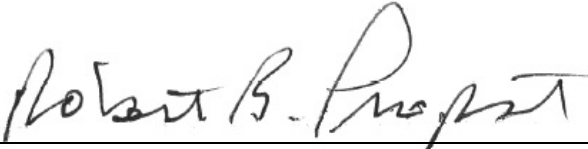
Defendants. )

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on September 19, 2006, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failing to exhaust administrative remedies under 42 U.S.C. § 1997e(a). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed without prejudice for failing to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a). A Final Judgment will be entered.

**DATED** this 1<sup>st</sup> day of November, 2006.

  
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**ROBERT B. PROPST**  
**SENIOR UNITED STATES DISTRICT JUDGE**